

## II. Objection to the Drawings

In paragraph 1 of the Office Action, the Examiner has objected to the drawings under 37 C.F.R. §1.83(a) as failing to show all the features of the claims, namely "the alternator including a support having a hole, a stator disposed on one side of the support....". Presumably, the Examiner has raised this objection based on the omission of a stator in the drawings, since the hole, the support and a portion of the alternator are displayed in the FIGS. as elements 30 and 34. Claim 9, prior to amendment herein, was the only claim which recited the stator.

In response to this objection, the Applicant has amended claim 9 such that the stator element is not positively recited. Thus, the stator element is not a feature of the invention and need not be shown in the claims in accordance with Rule 1.83(a). therefore, reconsideration and withdrawal of the objection to the drawings in light of this amendment to the claims is respectfully requested.

## III. Errors in the Specification

In paragraph 2 of the Office Action, the Examiner requested that the Applicant check the specification for errors. The Examiner has also suggested that the term "bearing" as found in the specification be replaced in light of the accepted meaning of that term. Various amendments to the specification have been made above in response to these suggestions. In particular, the term "bearing" has been replaced by the term "support".

## IV. Objection to the Claims

In paragraph 3 of the Office Action, the Examiner has objected to claim 8 due to a misspelling of the word "including" found therein. Applicant has amended the specification to correct this typographical error. Withdrawal of this objection is therefore respectfully requested.

V. Rejection Under 35 U.S.C. §112, Paragraph 1

In the Office Action dated November 24, 2000, the Examiner has rejected claims 5-7 and 17 under 35 U.S.C. §112, paragraph 2 as vague and indefinite in light of their incongruent preambles. The Applicant respectfully disagrees.

Claims 5 and 17 are not dependent claims as asserted by the Examiner. Claims 5 and 17 incorporate the subject matter of independent claim 1, but do not further limit such claim, as required by 37 C.F.R. §1.75(c) to qualify as a dependent claim. Therefore, no change to the preamble is believed to be required.

It has come to the applicant's attention that fees for independent claims 1, 5, 8, 11, and 17 which are in excess of three total independent claims have not been authorized. With this response, the Applicant submits payment for two additional independent claims. Reconsideration and withdrawal of this rejection based on the foregoing is respectfully requested.

VI. Rejection of Claims 1-17 under 35 U.S.C. §103(a)

In paragraphs 7 and 8 of the Office Action, the examiner has rejected claims 1, 2, 3, 5-13, 15 and 17 under 35 U.S.C. §103(a) in view of a combination of U.S. Patent No. 5,828,564 to Mori et al. (hereinafter referred to as "Mori"), U.S. Patent No. 5,982,062 to

Gautier (hereinafter referred to as "Gautier") and U.S. Patent No. 5,883,450 to Abadia et al. (hereinafter referred to as "Abadia"). The Examiner has further rejected claims 4, 14 and 16 under 35 U.S.C. §103(a) in view of a combination of Mori, Gautier and Abadia, and further in view of U.S. Patent No. 4,472,649 to Namba et al. (hereinafter referred to as "Namba"). Due to the foregoing amendments to claims 1 and 11, the rejections of each of the pending claims under §103(a) have been overcome.

Claims 1 and 11 have been amended to recite "wherein the plug portion has a smaller radius than the abutment portion" and "wherein a radius of the plug portion is smaller than a radius of the abutment portion," respectively. Support for these amendments can be found in Applicant's specification at page 5, lines 13-17. Such features of the invention present a patentable distinction in that they allow the diode and plinth of the present invention to be more easily manipulated by a force-fitting tool. (See Applicant's disclosure at page 6, lines 14-27).

The references cited by the Examiner, on the other hand, do not teach or suggest such functionality, either alone or in combination. Inasmuch as is apparent from its teachings, Mori merely discloses a plug portion having a greater radius than the abutment portion. (See elements 231b and 231d of FIG. 1 of Mori). Likewise, Gautier and Abadia disclose, inasmuch as is apparent from the disclosure, that a plug portion and an abutment portion have substantially the same radius. (See elements 10 and DN2 of FIG. 1 of Gautier, and elements M and CP of FIG. 1 of Abadia). Namba does not provide any teaching of the comparative radii of a plug portion and an abutment portion. The specification is silent as to such comparison, and the FIGS. of Namba disclose no relation between these elements since the size of the hole in which the plug portion fits is not

visible for comparing the plug portion to the abutment portion.

Accordingly, these references, either alone or in combination do not teach the recitations of "wherein the plug portion has a smaller radius than the abutment portion" and "wherein a radius of the plug portion is smaller than a radius of the abutment portion," as recited in the Applicant's claims. Reconsideration and withdrawal of the rejection of the independent claims 1 and 11 on these grounds is respectfully requested.

Independent claims 5, 8 and 17 include the first of these recitations due to their incorporation of subject matter from claim 1. The remaining dependent claims inherit one of the above amended recitations due to their ultimate dependence of one of the independent claims 1, 5, 8, 11 and 17. These recitations sufficiently distinguish the invention as claimed from the prior art of record, as described above. Therefore, reconsideration and withdrawal of the rejection of remaining claims 2-10 and 12-17 are likewise respectfully requested.

In addition, the Applicant asserts that a combination of Mori, Gautier and Abadia or Mori, Gautier, Abadia and Namba are both improper. There is no suggestions to be found in any of these reference which suggest that their teachings may be combined in the manner suggested by the Examiner. Such reconstruction of the Applicant's claimed invention in view of these references can only be achieved through the impermissible use of hindsight. Therefore, reconsideration and withdraw of the rejections of claims 1-17 under §103(a) on these grounds are requested.

VII. Conclusion

This Response is believed to be responsive to each issue raised in the Office Action. Reconsideration and allowance of this application is respectfully requested. The Examiner is invited to contact the undersigned at the telephone number provided below if it will advance the prosecution of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1948-4541.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1948-4541. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By: 

Charles A. Rattner

Registration No. 40,136

Dated: December 21, 2000

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800  
(212) 751-6849 (Fax)